

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DEVION LAMONE FAULKNER, §
§
Petitioner, §
§
v. § CIVIL ACTION NO. 5:23-CV-45-RWS-JBB
§
DIRECTOR, TDCJ-CID, §
§
Respondent. §

ORDER

Before the Court is Petitioner Devion Faulkner's petition for writ of habeas corpus challenging the legality of his conviction. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. On June 13, 2025, the Magistrate Judge issued a report recommending dismissal of the petition with prejudice. Docket No. 13 at 8. It was further recommended that a certificate of appealability be denied *sua sponte*. *Id.*

Petitioner acknowledged receipt of the Report and Recommendation on June 25, 2025 (Docket No. 14), but no objections have been received to date. Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions, and recommendations. Moreover, except upon grounds of plain error, an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**. A certificate of appealability is denied *sua sponte*.

So ORDERED and SIGNED this 22nd day of July, 2025.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE